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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) Case No. CR 18-577 CRB
14 Plaintiff,) STIPULATION AND ~~PROPOSED~~ ORDER
15 v.)
16 STEPHEN KEITH CHAMBERLAIN,)
17 Defendant.)
18 _____)

19 **STIPULATION**

20 The United States and the defendant, Stephen Keith Chamberlain, through undersigned counsel,
21 hereby stipulate and agree as follows:

22 1. The United States is prepared to begin its production of documents and materials required
23 to be produced to the defendant and his counsel pursuant to Fed. R. Crim. P. 16, *Brady v. Maryland*,
24 *Giglio v. United States*, and the Jencks Act (18 U.S.C. § 3500). Among other documents and materials,
25 the United States is prepared to produce to the defendant (a) witness statements governed by 18 U.S.C.
26 § 3500, including, but not limited to, grand jury testimony governed by Fed. R. Crim. P. 6(e), SEC
27 investigative testimony, and other sworn witness statements, and (b) other witness statements, including,
28 but not limited to, FBI Form 302 reports of witness interviews (with attached exhibits) and other third

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1 party reports of witness interviews, obtained or created by the government (collectively the “Protected
2 Materials”).

3 2. Counsel for the government submits that it continues to investigate the involvement of
4 other persons and the possibility of other offenses arising from the facts and circumstances of this case.
5 To protect the integrity of the ongoing investigation, counsel for the government submits that it is
6 appropriate to prohibit the defendant from providing or distributing copies of the Protected Materials to,
7 or sharing copies of the Protected Materials with, any co-defendant who has not made an initial
8 appearance, subjects of the ongoing investigation, or other persons outside the scope of the defendant’s
9 attorney-client privilege. Counsel for the government acknowledges that the defendant may use
10 information in the Protected Materials for any purpose consistent with defending against the allegations
11 in the Indictment, including asking a witness or a witness’s lawyer about information in the Protected
12 Materials.

13 3. The parties agree and stipulate that there are multiple related civil lawsuits and
14 investigations in the United States and the United Kingdom. To limit potential interference in the
15 ongoing criminal investigation and the trial of any indictment, counsel for the government submits that it
16 is appropriate to prohibit the defendant from furnishing copies of, or producing, the Protected Materials
17 to any party or in connection with any related civil proceeding in the United States or the United
18 Kingdom.

19 4. Accordingly, the parties stipulate and agree that the Court should issue the protective
20 order sought herein.

21 5. To the extent that the government is prepared to produce grand jury testimony governed
22 by Fed. R. Crim. P. 6(e), the Court has authority to issue this proposed protective order pursuant to Rule
23 6(e)(3)(E), which provides that the Court “may authorize disclosure – at a time, in a manner, and subject
24 to any other conditions that it directs – of a grand-jury matter: (i) preliminarily to or in connection with a
25 judicial proceeding.”

26 For these reasons, the parties request that the Court please issue an order authorizing disclosure
27 of the Protected Materials subject to the conditions set forth below in the proposed order.

28 IT IS SO STIPULATED.

1 DATED: January 16, 2020

DAVID L. ANDERSON
United States Attorney

2 /s/

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4 ROBERT S. LEACH
Assistant United States Attorney

5 DATED: January 16, 2020

BIRD, MARELLA, BOXER, WOLPERT,
NESSIM, DROOKS, LINCENBERG, & RHOW,
P.C.

7 /s/

8
9 GARY S. LINCENBERG
ARIEL A. NEUMAN
10 Attorneys for Defendant Stephen Chamberlain

11
12 ~~[PROPOSED]~~ ORDER

13 **FOR GOOD CAUSE SHOWN** in the above stipulation by the parties, it is hereby **ORDERED**
14 that:

15 1. In its production of documents and materials, the United States may designate as
16 “Protected Materials” (a) witness statements governed by 18 U.S.C. § 3500, including grand jury
17 testimony governed by Fed. R. Crim. P. 6(e), SEC investigative testimony, and other sworn witness
18 statements, and (b) other witness statements, including FBI Form 302 reports of witness interviews (with
19 attached exhibits) and third-party reports of witness interviews, obtained or created by the government.
20 The United States may designate as Protected Material any document attached to a witness statement as
21 an exhibit, but that same document will not be considered Protected Material to the extent it has been
22 produced separately by the United States or is otherwise available to the defendant or his attorneys.

23 2. Defendant may at any time serve upon counsel for the United States a written notice
24 objecting to any designation by the United States pursuant to paragraph 2. If agreement cannot be
25 reached promptly, defendant may seek relief from the Court.

26 3. Possession of copies of the Protected Materials shall be limited to the defendant and his
27 attorneys, including any investigators, paralegals, law clerks, assistants, expert witnesses and other
28 persons who are within the attorney-client privilege (hereinafter collectively referred to as “members of

1 the defense team”). Members of the defense team shall not include individuals (or attorneys) who have
2 entered into a joint defense agreement or other similar agreements with the defendant (or his attorneys).

3 4. The defendant, his attorneys, and members of his defense team may use information in
4 the Protected Materials for any purpose consistent with defending against the allegations in the
5 Indictment, including asking a witness or a witness’s lawyer about information in the Protected
6 Materials, except they are prohibited from providing or distributing copies of the Protected Materials to,
7 or sharing copies of the Protected Materials with, other persons without prior authorization from the
8 Court.

9 5. The defendant, his attorneys, and members of his defense team shall not use copies of or
10 furnish copies of or produce the Protected Materials in any related civil proceeding without prior
11 authorization from the Court.

12 IT IS SO ORDERED.

13 DATED: January 23, 2020

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15 THE HONORABLE CHARLES R. BREYER
16 United States District Judge
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